

DANIEL P. HARGROVE,)
)
 Plaintiff,)
)
 v.)
)
 SGT. ABRAMS, et al.,)
)
 Defendants.)

CASE NO. 1:17 CV 1045
JUDGE JAMES S. GWIN
ORDER OF DISMISSAL

Plaintiff *pro se* Daniel P. Hargrove, an inmate at the Lebanon Correctional Institution, brings this *in forma pauperis* civil rights action against the following defendants: Sgt. Abrams, Aramark, Gary C. Mohr, Unit Manager Deskins, and the State of Ohio. His Second Amended Complaint, filed on October 27, 2017, alleges as follows: Sgt Abrams fondled him; there was a bug in his food; there is not a proper Islamic curriculum; he was disciplined for not attending “government schooling” and for refusing to sign parole papers; and, his incarceration violates double jeopardy.

A prisoner is prohibited from bringing a civil action or appealing a judgment in a civil action *in forma pauperis* if, on three or more prior occasions, the prisoner brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g).

Mr. Hargrove has an extensive history of filing civil actions and appeals in the federal courts. That history is summarized in *Hargrove v. Johnson*, 2012 WL 3987585 (M.D.Ga. Aug. 15, 2012), wherein the court concluded he had more than “3 strikes” for purposes of 1915(g). This Court agrees with that conclusion. Further, as there are no allegations in the instant action

suggesting plaintiff is in imminent danger of serious physical injury, this case is subject to summary dismissal. *Rittner v. Kinder*, No. 06-4472, 2008 WL 3889860 (6th Cir. Aug. 20, 2008).

Accordingly, this action is dismissed without prejudice. If plaintiff wishes to reinstate this case, he must, within thirty days of the entry of this order: 1) pay the \$400 filing fee; and 2) file a motion to reopen. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Dated: November 7, 2017

s/ *James S. Gwin*

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE